

OGC REVIEW COMPLETED

OGC 73-2006
24 October 1973

MEMORANDUM FOR: Special Assistant for Information Control

SUBJECT : Authority for Disposal of Records

1. You have requested our views as to the authority of this Agency to dispose of records without the approval of the Archivist of the United States.

2. Chapter 33 of Title 44 of the U. S. Code provides that records shall be disposed of under the authority of the Administrator of General Services and in accordance with regulations prescribed by him. (Additionally, under 44 U. S. C. 3309, records pertaining to claims may not be disposed of until the claims have been settled by the General Accounting Office "except upon the written approval of the Comptroller General of the United States.") Under these provisions, heads of agencies are to submit to the Administrator lists of records, together with schedules proposing their disposal, which the Administrator approves, disapproves, or modifies. Section 3314 of Title 44 provides that the procedures prescribed by Chapter 33 "are exclusive, and records of the United States Government may not be alienated or destroyed except under this chapter."^{1/}

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^{1/} These provisions of Title 44 derive from a 1943 statute which was applicable to CIA when it came into existence in 1947.

5. To the extent that this memorandum may be inconsistent with our memorandum of 2 October 1950 to the Chief, CIA Library, OCD, "Disposal of Records," the latter is superseded.

STATINTL

Associate General Counsel

2/ See also Comptroller General decision B-162167, November 2, 1967, and related documents, which record the Comptroller General's approval of a proposed CIA records disposal program, pursuant to what is now 44 U. S. C. 3309. This decision was the culmination of a protracted negotiation with the Comptroller General in which the Agency and the Comptroller General proceeded on the assumption that section 3309 was binding.

OGC: RHL: cav

Orig - Addse

✓ 1 - OGC Subj: RECORDS

1 - RHL Signer

1 - Chrono